

REMARKS

Claims 1, 4-6, 9, 11, 17-19, 21, 22, 24, 25 and 30 are amended herein. Claims 7, 10, 15, 23 and 29 have been canceled. Claims 1-6, 8, 9 and 11-30 are pending. No new matter has been added as a result of these amendments.

CLAIM REJECTIONS - 35 U.S.C. §103(a)

I. Claims 1-6, 8-9, 11, 15-25 and 29-30

Claims 1-6, 8-9, 11, 15-25 and 29-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chern et al. (U.S. Patent No. 6,456,854) in view of Phelan (U.S. Patent No. 6,240,360). Claims 15, 23 and 29 have been canceled herein, and therefore further consideration of Claims 15, 23 and 29 is not necessary. However, Applicants have reviewed the above cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1-6, 8-9, 11, 16-22, 24, 25 and 30 are patentable over the cited references for at least the following rationale.

Independent Claim 1, and similarly independent Claim 17, as amended, recites the features (emphasis added):

An identity confirmation method comprising:
receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and an automatically generated location stamp attached to an overhead portion of the message, the location stamp indicating the geographical location of the mobile device as an origin of the message;
and

confirming an identity of a sender of the message based on the location stamp.

Support for the amendments to Claim 1, and similarly Claim 17, can be found, for example, at page 3, line 30 – page 4, line 4 of the above identified patent application.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).

Similarly, MPEP §2143 provides:

To establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicants respectfully submit that Chern in view of Phelan fails to teach or suggest each and every element of Claim 1, and similarly Claim 17, as amended. Applicants understand Chern to teach “a system and method for locating and tracking mobile telephone devices via the Internet.” Chern, column 1, lines 57-59. Applicants further understand Chern to teach “[w]hen a user requests information, handset 130 provides the location of the handset to server 136 across wireless network 140.” Chern, column 4, lines 47-49. In addition, Applicants further understand Chern to teach:

A Web browsing device queries the Web server for location information pertaining to a particular mobile telephone device. The Web server may **require authorization** for such information **before sending the location** to the requesting device.

See Chern, Abstract.

Applicants understand Phelan to teach:

transmitting a map request to the map server computer from a client computer, and transmitting from the map server computer to the client computer in response to the map request the map data and the coordinate data associated with the area represented by the map

Phelan, column 2, lines 31-35. Applicants further understand Phelan to teach “the client transfers its own position to the information server and map server within the HTTP protocol by adding an HTTP header line to its request messages.” Phelan, column 8, lines 7-10.

However, Applicants do not understand the combination of Chern and Phelan to teach or suggest receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and an automatically generated location stamp attached to an overhead portion of the message, the location stamp indicating the geographical location of the mobile device as an origin of the message, and confirming an identity of a sender of the message based on the location stamp.

As stated above, Applicants understand Chern to teach **locating** and **tracking mobile telephone devices** via the Internet. Applicants further understand Chern to teach a Web server that **requires authorization before sending the location** of a mobile telephone device to a requesting device. Applicants do not understand Chern to teach or suggest receiving a message having a location stamp attached to an overhead portion of the message, wherein the location stamp indicates the geographical location of a mobile device

as an origin of the message, and ***an identity of a sender of the message is confirmed based on the location stamp.***

In contrast, Applicants understand Chern to teach a security feature in which a Web server (i.e., the sender of the message) is configured to send the location of a mobile device to a requesting party, but the requesting party must first enter a valid user name and password combination that matches an authorized user record in a database maintained on the server. See Chern, column 6, lines 60-67. Thus, Applicants understand Chern to teach one or more requesting parties verifying their own identities before any location information is sent. Applicants do not understand Chern to teach confirming an identity of a sender of the message based on a location stamp that indicates the geographic location of a mobile device.

Furthermore, Applicants do not understand Phelan to teach or suggest receiving a message having a location stamp attached to an overhead portion of the message, wherein the location stamp indicates the geographical location of a mobile device as an origin of the message, and ***confirming an identity of a sender of the message based on the location stamp.*** As stated above, Applicants understand Phelan to teach that the client transfers its own position to the information server and map server within the HTTP protocol by adding an HTTP header line to its request messages. Applicants respectively assert that a client transferring its own position using the HTTP protocol by adding an HTTP

header line does not teach or suggest using a location stamp to ***confirm the identity of the sender of the message.***

For at least the foregoing rationale, Applicants respectfully submit that Claim 1, and similarly Claim 17, are not unpatentable over Chern in view of Phelan under 35 U.S.C. §103(a). As such, allowance of Claims 1 and 17 is respectfully requested.

With respect to Claims 2-6, 8-9, 11, 16, 18-22, 24, 25 and 30, Applicants respectfully point out that Claims 2-6, 8-9, 11 and 16 depend from allowable independent Claim 1, and recite further features of the present claimed invention. Similarly, Claims 18-22, 24, 25 and 30 depend from allowable independent Claim 17, and recite further features of the present claimed invention. Therefore, Applicants respectfully submit that Claims 2-6, 8-9, 11, 16, 18-22, 24, 25 and 30 overcome the rejections under 35 U.S.C. §103(a), and that these claims are thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claims 2-6, 8-9, 11, 16, 18-22, 24, 25 and 30 is respectfully requested.

Claims 11 and 25

The foregoing notwithstanding, Applicants further submit that Claims 11 and 25 are patentable over the cited references for at least the following rationale.

Claim 11, and similarly Claim 25, recites the features (emphasis added):

determining whether the geographical location identified by the location stamp corresponds to a ***predetermined location relevant to an action identified from the message***.

In the Office Action issued on July 3, 2007, the Examiner considered

Claims 11 and 25 and submitted:

In regards to claim 11 and 25, Chern as modified teaches that the user may set a location filter, for example, that requires returned selections be within a certain maximum number of miles of the user's current location

....

See Office Action, page 5, paragraph 3, citing Chern, column 5, lines 20-23.

Applicants have reviewed the Examiner's comments, and respectfully disagree with the Examiner's interpretation of the teaching of Chern, as modified by Phelan. In particular, Applicants do not understand the use of a location filter so as to require that returned selections be within a certain geographical range of a user's current location to teach or suggest determining whether the geographical location identified by a location stamp corresponds to a predetermined location ***relevant to an action identified from the message***.

Therefore, Applicants respectfully submit that Claims 11 and 25 overcome the rejections under 35 U.S.C. §103(a), and that these claims are thus in a condition for allowance as reciting features not taught or suggested by the combination of Chern in view of Phelan. As such, allowance of Claims 11 and 25 is respectfully requested for at least the aforementioned rationale.

II. Claims 12-14 and 26-28

Claims 12-14 and 26-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chern in view of Phelan, and further in view of Ray et al. (U.S. Patent No. 6,067,529). Applicants have reviewed the above cited references and respectfully submit that the embodiments of the present invention as recited in Claims 12-14 and 26-28 are patentable over the cited references for at least the following rationale.

Claims 12-14 depend from Claim 1, and thus contain by reference every feature of Claim 1, as amended. Similarly, Claims 26-28 depend from Claim 17, and thus contains by reference every feature of Claim 17, as amended. Thus, in so much as Claims 12-14 depend from Claim 1, and in so much as Claims 26-28 depend from Claim 17, Applicants respectfully submit that Claims 12-14 and 26-28 are patentable over Chern in view of Phelan, and further in view of Ray, under 35 U.S.C. § 103(a) for at least the following rationale.

Independent Claim 1, and similarly independent Claim 17, as amended, recites the features (emphasis added):

An identity confirmation method comprising:
receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and an automatically generated location stamp attached to an overhead portion of the message, the location stamp indicating the geographical location of the mobile device as an origin of the message;
and
confirming an identity of a sender of the message based on the location stamp.

Applicants respectfully submit that Chern in view of Phelan, and further in view of Ray, fails to teach or suggest each and every element of Claim 1, and similarly Claim 17, as amended. Applicants understand Ray to teach "providing a substantially immediate electronic receipt after a consumer has made a purchase." See Abstract for Ray. Applicants further understand Ray to teach:

When a consumer makes a purchase, the sales terminal, which is attached with a short message/e-mail sending capable terminal, can generate and send a short message along with the detailed purchase information towards the consumer's transport address or alias address. The consumer's transport address includes the consumer's Internet Protocol (IP) address and the port address. An alias address can be, for example, the consumer's credit card number, e-mail address or phone number. The transport address or alias address can be provided by the consumer or can be stored on the consumer's credit card or an additional card. The short message generated by the sales terminal is sent to the transport or alias address by routing the message from the sales terminal to a Gatekeeper for the area that the sales terminal is located in. **The Gatekeeper can then determine where to route the short message for delivery to the consumer's transport or alias address for storage and retrieval by the consumer either immediately upon receipt of the electronic receipt or at a later time.**

Ray, column 2, lines 26-44 (emphasis added). Applicants further understand

Ray to teach:

if a credit card is used for purchase, **the transport address or alias address 230 can be included on the magnetic strip of the credit card or provided by the credit card company when authorization is confirmed.** Alternatively, the consumer can present a separate card which has the transport address or alias address 230 on it. In a further alternative embodiment, the credit card number and transport or alias address 230 can be stored in a Subscriber Identity Module (SIM) card 298 or other memory within a mobile telephone 295, as illustrated in FIG. 4 of the drawings. The consumer can provide the telephone number associated with the mobile phone 295 to **the salesperson**, who can then dial the telephone number to **request the credit card number and transport or alias address 230** from the SIM card 298. In preferred embodiments, a menu can be displayed on the mobile phone 295 and the consumer can select from the menu the desired credit card number (if more than one is stored in the SIM card 298) and request an electronic

receipt. Thereafter, the SIM card 298 can **send the credit card number along with the transport address or alias address 230 (if an electronic receipt is requested) back to the sales terminal 200 for authorization** of the credit card number and generation of the electronic receipt.

Ray, column 3, line 52 – column 4, line 8 (emphasis added).

Applicants respectfully submit that Ray does not overcome the shortcomings of Chern and Phelan. For instance, Applicants do not understand Chern alone or in combination with Phelan, or in further combination with Ray, to teach or suggest receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and an automatically generated location stamp attached to an overhead portion of the message, the location stamp indicating the geographical location of the mobile device as an origin of the message, and confirming an identity of a sender of the message based on the location stamp.

Applicants understand Ray to teach that the consumer's transport address or alias address can be provided by the credit card company when authorization is confirmed, and the vendor can send an electronic receipt to this address such that the consumer can later access and review the receipt. Applicants further understand Ray to teach that the credit card company provides the transport or alias address of the consumer rather than an address of the credit card company. Applicants do not understand Ray to teach or suggest the use of an automatically generated location stamp to ***indicate the geographical location***

of a mobile device as an origin of a message, and confirming an identity of a sender of the message based on the location stamp.

Thus, Applicants respectfully submit that Claim 1, and similarly Claim 17, as amended, are allowable over Chern in view of Phelan, and further in view of Ray, for at least the aforementioned rationale. As such, allowance of Claims 1 and 17 is respectfully requested.

With respect to Claims 12-14, Applicants respectfully point out that Claims 12-14 depend from allowable amended independent Claim 1, and recite further features of the claimed invention. With respect to Claims 26-28, Applicants respectfully point out that Claims 26-28 depend from allowable amended independent Claim 17, and recite further features of the claimed invention. Therefore, Applicants respectfully submit that Claims 12-14 and 26-28 overcome the rejections under 35 U.S.C. § 103(a), and that each of these claims are thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claims 12-14 and 26-28 is respectfully requested.

CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the amendments and arguments presented above, it is respectfully submitted that Claims 1-6, 8, 9, 11-14, 16-22, 24-28 and 30 overcome the rejections of record. Therefore, allowance of Claims 1-6, 8, 9, 11-14, 16-22, 24-28 and 30 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,
WAGNER BLECHER LLP

Date: 8/29/07



John P. Wagner, Jr.
Reg. No. 35,398

WESTRIDGE BUSINESS PARK
123 WESTRIDGE DRIVE
WATSONVILLE, CALIFORNIA 95076
(408) 377-0500